

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MEDIEN PATENT VERWALTUNG AG,

Plaintiff,

v.

WARNER BROS. ENTERTAINMENT
INC., TECHNICOLOR INC. and DELUXE
ENTERTAINMENT SERVICES GROUP
INC.,

Defendants.

Civil Action No. 1:10-cv-04119-CM

ECF Case

**MPV'S ANSWER TO THE COUNTERCLAIMS OF
DELUXE ENTERTAINMENT SERVICES GROUP INC.**

Medien Patent Verwaltung AG (“MPV”), by its undersigned counsel, as and for its Answer to the Counterclaims of Deluxe Entertainment Services Group Inc. (“Deluxe”), dated September 14, 2012, alleges upon knowledge with respect to its own acts, and upon information and belief as to other matters, as follows:

COUNTERCLAIMS

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. MPV admits that it has asserted that Deluxe infringes U.S. Patent No. 7,187,633

(“the ‘633 patent”), admits that an actual controversy exists between Deluxe and MPV over

alleged infringement and invalidity of the '633 patent, denies that Deluxe has alleged any basis for unenforceability of the '633 patent, and denies the rest and remainder of the allegations of Paragraph 5 of Deluxe's Counterclaims.

FIRST COUNTERCLAIM – NONINFRINGEMENT OF THE '633 PATENT

6. Paragraphs 1 through 5 are incorporated by reference.
7. Denied.
8. Denied.
9. MPV admits that Deluxe seeks a declaratory judgment, denies that Deluxe is entitled to a declaratory judgment, and denies the rest and remainder of the allegations of Paragraph 9 of Deluxe's Counterclaims.
10. MPV admits that Deluxe seeks a declaratory judgment, denies that Deluxe is entitled to a declaratory judgment, and denies the rest and remainder of the allegations of Paragraph 10 of Deluxe's Counterclaims.

SECOND COUNTERCLAIM – INVALIDITY OF THE '633 PATENT

11. Paragraphs 1 through 10 are incorporated by reference.
12. Denied.
13. MPV admits that Deluxe seeks a declaratory judgment, denies that Deluxe is entitled to a declaratory judgment, and denies the rest and remainder of the allegations of Paragraph 13 of Deluxe's Counterclaims.

MPV further denies any factual assertions contained in Deluxe's Prayer For Relief , and further denies that Deluxe is entitled to the relief it seeks or any relief on its Counterclaims. MPV further denies all allegations of Deluxe's Counterclaims (including headings) not specifically admitted above.

AFFIRMATIVE DEFENSES

1. For a First Affirmative Defense to Deluxe's Counterclaims, MPV alleges that the Counterclaims fail to state a claim upon which relief can be granted.

2. For a Second Affirmative Defense to Deluxe's Counterclaims, MPV alleges that Deluxe is not entitled to a declaratory judgment.

PRAYER FOR RELIEF

WHEREFORE, MPV respectfully requests that this Court enter judgment in its favor and against Deluxe and grant all the relief sought in the Amended Complaint, and that Deluxe takes nothing by means of its Counterclaims.

Dated: October 5, 2012

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 5, 2012, a true and correct copy of the foregoing MPV'S ANSWER TO THE COUNTERCLAIMS OF DELUXE ENTERTAINMENT SERVICES GROUP INC. was served to all counsel of record via the Court's CM/ECF system and via electronic mail as follows:

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